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A PROFESSIONAL CORPORATION

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April 14, 2004

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

BY CMRRR 7003 0500 0004 8615 0559

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APR 22 2004

OFFICE OF PETITIONS

Re: Renewed Petition under 37CFR 1.37(b)  
Application No.: 09/954,618  
Filing Date: 09/11/2001  
Attorney Docket No.: P-005-005  
First Named Applicant: Kiem Tinh Le

Dear Commissioner:

This letter is in response to your letter, dated April 9, 2004, a copy of which is enclosed, notifying us that an additional \$15.00 is due towards payment of the petition fee for a small entity to revive the above-identified application. Our firm check in the amount of \$15.00 is enclosed.

In accordance with 35 USC (a)(7) and pursuant to 37 CFR 1.137(b), I respectfully request your office to affirm that the enclosed check for \$15.00, along with the previously submitted fees and documents, are sufficient to revive the above patent.

In addition, we also urge you to forward all correspondence to the address noted above in order to avoid further harmful consequences to the inventors because of the continuing unresponsiveness of the patent attorney of record, Daniel O'Neill. Enclosed is an affidavit from one of the inventors, Mr. Dac Nguyen, attesting to the unresponsiveness of Mr. O'Neill.

I look forward to your favorable response.

Adjustment date: 04/21/2004 AWONDAF1  
03/29/2004 EAREGAY1 00000011 09954618  
01 FC:1999 -650.00 OP

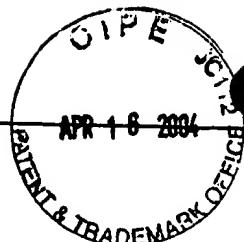
Very truly yours,

Lan Q. Ngo  
Patent Attorney  
USPTO Registration: 50549

Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

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Paper No. 8

LAW OFFICE OF DANIEL O'NEILL  
17108 GRAPE ARBOR CT  
POWAY, CA 92064

APR 22 2004

OFFICE OF PETITIONS

COPY MAILED

APR 09 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of  
Le et al.  
Application No. 09/954,618  
Filed: September 11, 2001  
Attorney Docket No. P-005-005

This is a decision on the petition under 37 CFR 1.137(b), filed March 25, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed October 16, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 17, 2001. A Notice of Abandonment was mailed on November 6, 2003.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,<sup>1</sup>
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition

<sup>1</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.<sup>2</sup>

The instant petition lacks item (2). Petitioner only submitted \$650.00 towards payment of the petition fee. Effective October 1, 2003, the small entity petition fee is \$665.00. Accordingly, petitioner must submit an additional \$15.00.

The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address submitted with the instant petition on March 25, 2004, is hereby not accepted. Although petitioner properly submitted a Revocation from each individual inventor, only the one submitted by Kiem Tinh Le was signed. The remaining inventors need to submit a signed copy of the Revocation of Power of Attorney in order for it to be accepted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the existing Customer Window located at:**

2011 South Clark Place  
Crystal Plaza 1 Lobby  
Room 1B03  
Arlington, VA 22202

The centralized facsimile number is (703) 872-9306.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.



Liana Chase  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: LAN Q. NGO  
MCFATRIDGE, BAKER & DEEN, P.C.  
3900 ESSEX LANE, SUITE 730  
HOUSTON, TX 77027

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<sup>2</sup> See MPEP 711.03(c)(III)(C) and (D).



# CENTERCOMM

6720 Cobra way  
San Diego, CA 92121  
Tel: 858-677-5575 / Fax: 858-677-5576

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APR 22 2004

OFFICE OF PETITIONS

March 9, 2004

LAN Q. NGO, P.E.  
Of Counsel  
U.S. Patent Attorney  
McFatridge, Baker & Deen, P.C.  
3900 Essex Lane, Suite 730  
Houston, TX 77027  
(713) 629 - 7960  
[Ingo@mbdlegal.com](mailto:Ingo@mbdlegal.com)

Re: CenterComm Patent Filing, Serial Number: 09 - 954 - 618, filing date 09-11-2001.

Dear Mr. Ngo:

I would like to provide to you the history of CenterComm's patent filing. Sometime in 2000, Mr. Daniel J. O'Neill had been designated Patent Attorney for CenterComm. Mr. O'Neill filed a provisional patent, which is named "Apparatus and Method For Vehicle Navigation" on September 12, 2000. Following that filing, a non-provisional utility patent application taking the priority date of that provisional patent was sent to U.S. Patent and Trademark Office on September 11, 2001.

After September 11, 2001, CenterComm did not receive any news or any contacts from Mr. O'Neill. In addition, CenterComm did not received any information from the U.S. Patent Office in regards of the status of the patent application until I had made personal inquiry with the US Patent and Trademark Office as described below.

I tried many times to contact Mr. O'Neill via email messages (personal and work), via mobile telephone number, and work telephone number. However, my efforts have been futile. There was error email messages in replied to my queries. His mobile telephone number is currently in possession of another person whom has no connection to Mr. O'Neill; and his office number was no longer active.

On February 10, 2004, I called the U.S. Patent Office for assistance. During my conversation with a representative, I discovered that CenterComm patent application had been abandoned. The representative provided the serial number of the application, and recommended me to acquire the service of another patent attorney and to try to revive the patent application.

The above information is the background history. Per your request, I went to Mr. O'Neill's address, which is listed with the U.S. Patent Office. The following is my report of the trip:

Date: March 10, 2004

Address: 17108 Grape Arbor Ct, Poway, CA 92604

Time of Arrival to above address: 2:01 PM

1

CONFIDENTIAL

244



6720 Cobra way  
San Diego, CA 92121  
Tel: 858-677-5575 / Fax: 858-677-5576

The address of 17108 Grape Arbor Ct, Poway, CA 92604 is actually the address of a residential home. I approached the premises, and ring the bell. I waited for Five (5) minutes, but nobody answered. I went to both homes on the left and right of the premises, but nobody was at home at the time. So, I left to go back to my office.

Mr. Ngo, the only contact we had with the U.S. Patent Office until February 2004 was through the patent attorney for any information in regards of the patent application filing status. It is imperative to have the patent application revived because the intellectual properties are the competitive edges that small company like CenterComm can compete and exist. In addition, September 11, 2001 was a tragic day for the nation, and our application was coincidentally applied on the same date.

Therefore, I am hopeful that the U.S. patent Office will grant our invention quickly considering our predicament, and of course, your assistance should further enhance our cause.

I, hereby, certify that the above information is correctly provided to the best of my knowledge.

Signature: Dac H. Nguyen  
Date: 03/10/04

Name: Dac H. Nguyen

This document was acknowledged before me on this 10 day of March 2004 by Dac H. Nguyen, to certify which witness my hand and seal of office.

Signature: Christina Cardoza  
Notary Public in and for the State of California

